

REMARKS

Currently claims 1-20, 29-35 and 37-41 are pending in the above-identified application. However, claims 3-20, 29-35 and 37-41 are currently withdrawn from consideration by the Reply to the Election of Species Requirement. Thus, only claims 1-2 are presently pending for examination. By this Amendment, claim 1 has been amended. No claims have been cancelled and no new claims have been added.

Pursuant to the above amendments and following remarks, Applicants respectfully request the reconsideration of the outstanding rejections of claims 1 and 2.

Since claims 3 and 40 depend directly from independent claim 1 and dependent claim 2 Applicants respectfully note that Rejoinder of claims 3 and 40 to the pending Species Election is appropriate upon the allowance of the independent claim 1.

I. Objection to the IDS filed October 8, 2004

The Examiner objects to the IDS filed October 8, 2004 for failing to allegedly comply with the provisions of the 37 CFR § 1.97, 1.98 and MPEP § 609 since copies of the underlying PCT application with the earlier claimed priority, filed on March 30, 2003, could not be located.

The Examiner has asked for the application number of the document to which the IDS documents filed on March 30, 2003 correspond. In Reply, Applicants provide herewith the first page of the published PCT application, which has publication number WO/2003/088665. In addition, Applicants provide herewith copies of the international search report, listing the five references in question, evidencing a timely filing on October 8, 2004, for the instant application.

Applicants respectfully request that the references be appropriately considered based on the PCT application which was properly made of record on October 8, 2004. Applicants include herewith another copy of the supporting IDS, originally provided with the filing of the instant application.

II. Claim Rejections – 35 U.S.C. § 103

The Examiner has rejected claims 1-2 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0052864 to Yamamoto (hereinafter “Yamamoto”) in view of U.S. Patent Publication No. 2002/0059604 to Papagan et al. (hereinafter “Papagan”), and further in view of U.S. Patent Publication No. 2002/0019833 to Hanamoto et al. (hereinafter “Hanamoto”). This rejection is respectfully traversed.

With regards to independent claim 1, Applicants claim

A metadata editing apparatus comprising:

a scene division unit for dividing multimedia content containing at least one of moving pictures and audio into a plurality of scenes to generate scene section information metadata indicating a scene start position and a scene end position for each scene obtained as a result of the division;

a thumbnail image generation unit for extracting a representative frame of each scene as a thumbnail image, and the thumbnail image generation unit providing a user input selection from the representative frame or another frame within a predetermined interval from the representative frame;

a scene description edit unit for performing hierarchical editing of each scene of the multimedia content based on the scene section information metadata sent from the scene division unit and generating scene structure information metadata describing a hierarchical structure of the multimedia content; and

a metadata description unit for integrating the scene section information metadata and the scene structure information metadata and generating metadata describing contents and a structure of the multimedia content in accordance with a predetermined format.

Applicants respectfully assert that Yamamoto fails to disclose each and every element of Applicants’ claimed invention, at least because Yamamoto as admitted by the Examiner, fails to disclose the claimed feature of “a scene description edit unit”, as claimed in independent claim 1. Instead, the system disclosed in Yamamoto allows a provider of broadcast content or an application to individually select through a look-up table the relevant application programs and data from the virtual channel management table. See, Yamamoto, paragraph 0136 and paragraph 0140. The particular virtual channel management table data allows a provider to create a

separate record for storing information found within the virtual channel management table for further access by the electronic programming guide (EPG) which may be distributed by a general broadcast.

The Examiner has applied Papagan in combination with Yamamoto to allegedly provide what Yamamoto lacks regarding "a scene description edit unit". Although Papagan appears to perform a type of editing for a general multimedia content broadcast, the combination of Yamamoto and Papagan still fail to disclose each and every element of Applicants' claimed invention, at least because Yamamoto and Papagan do not disclose the claimed feature of "a metadata description unit for integrating the scene section information metadata and scene structure information metadata and generating metadata describing contents and a structure of the multimedia content in accordance with a predetermined format." See, Papagan, paragraph 0029.

The Examiner has applied Hanamoto in combination with Yamamoto and Papagan to allegedly provide what Yamamoto and Papagan lack regarding a metadata description unit for integrating a scene section information metadata and scene structure information metadata. See, Hanamoto, paragraph 0116-0120.

Although Hanamoto appears to discuss certain metadata which is added to a moving image, and describes such characteristics as data format, language information, including location, date, object and keyword and the like. See, Hanamoto, paragraph 0117. Hanamoto is apparently silent concerning any discussion of integrating scene section information metadata and scene structure information metadata by an apparatus which would provide a thumbnail image assembled from each scene obtained as a result of the scene division unit, as more particularly defined in the above claim amendment that recite "a thumbnail image generation unit for extracting a representative frame of each scene as a thumbnail image, and the thumbnail image generation unit providing a user input selection from the representative frame or another frame within a predetermined interval from the representative frame".

Therefore, even if Yamamoto could be combined with Papagan and Hanamoto, for the basis asserted by the Examiner, which the Applicants do not concede, Applicants assert at least for the basis above with regard to claim 1, Hanamoto fails to provide what is lacking with regards to Yamamoto and Papagan to render the instant claimed invention obvious with regards to independent claim 1.

With regards to claim 2, Applicants respectfully assert that these claims are patentably distinct over the asserted combination of Yamamoto in view of Papagan and Hanamoto, for the reasons set forth above for independent claims 1. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 1-2 under § 103.

III. Conclusion

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings 48,917 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

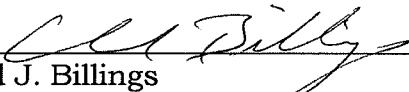
Application No. 10/510,548
Amendment dated October 26, 2009 (Monday)
Reply to Office Action of June 25, 2009

Docket No.: 0054-0290PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: October 26, 2009 (Monday)

Respectfully submitted,

By 
Chad J. Billings
Registration No.: 48,917
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road, Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicants